

## **REMARKS**

With this Response, claims 1, 16, 34, 36, 41, 60, and 63-64 are amended. Claims 86-91 are currently added. Therefore, claims 1-91 are pending.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-6, 16, 21-27, 34, 36, 40-46, 57-61, 63-69, and 80-85 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,687,171 issued to Shin et al. (*Shin*). Applicants respectfully submit that these claims are not anticipated by the reference for at least the following reasons.

Claim 1 as amended herein recites:

Receiving a random access request for a traffic channel of a plurality of traffic channels **on a first random traffic channel of the plurality of traffic channels**, the traffic channel to be selectively allocatable by the base station for communication with a user terminal;

Determining whether a traffic channel of the plurality of traffic channels is available to allocate to the requestor; and

Communicating to the requestor whether a traffic channel of the plurality of traffic channels is available.

Claims 34, 36, and 64 similarly recite a request for a channel on a random traffic channel.

Claim 41 as amended herein recites:

Receiving a request for an access channel of a plurality of channels **on a first access channel of the plurality of channels**;

Determining whether an access channel of the plurality of channels is available; and

Communicating to the requestor whether an access channel of the plurality of channels is available.

Claims 16, 60, and 63 similarly recite a request for a channel on an unallocated channel.

*Shin* discusses measuring signal strength to determine whether to allocate a channel, and fails to address a channel request on a traffic channel of a plurality of channels, as recited in claims 1, 16, 34, 36, and 64, or a channel request on an access channel of a plurality of channels,

as recited in claims 41, 60, and 63. Because *Shin* fails to disclose or suggest at least this limitation of the claims, *Shin* fails to provide support for an anticipation rejection under MPEP § 2131. Therefore, Applicants respectfully submit that these claims are not anticipated by the cited reference.

The remaining claims depend, either directly or indirectly, from the independent claims addressed above. Because dependent claims necessarily include the limitations of the claims from which they depend, Applicants respectfully submit that these claims are not anticipated by the cited reference for at least the reasons set forth above with respect to the independent claims.

### **Claim Rejections - 35 U.S.C. § 103**

In providing the rejection in the Office Action, Applicants note that a great number of references were examined to provide a complete rejection of all the claims. Applicants acknowledge the diligent effort made by the Examiner in providing this thorough examination of the many references.

#### **Claims 35, 37, and 62**

Claims 35, 37, and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* in view of the Official Notice taken that evaluation factors including subscriber status, subscriber equipment, type of service requested, geographic location of the request, geographic location of the responding equipment, connection quality, usage history of the subscriber, and emergency status of the request are well known in the art. These claims depend from independent claims addressed above, and thus necessarily include the limitations of the independent claims. Applicant respectfully submits that whether or not the Official Notice is proper, which Applicants do not concede, the Official Notice fails to cure the defects of the *Shin* with respect to the independent claims. Because either alone or in combination that cited

reference and the Official Notice fail to address at least the limitations discussed above, Applicants submit that these claims are not rendered obvious by the cited reference and the Official Notice.

Claims 7-8, 11, 18, 47-48, 51, 70-71, and 74

Claims 7-8, 11, 18, 47-48, 51, 70-71, and 74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* in view of U.S. Patent Application Publication No. 2002/0072348 A1 of Wheeler et al. (*Wheeler*). *Wheeler* is cited as disclosing evaluating an emergency status of a request, evaluating the status of a subscriber, and evaluating the nature of a request. Whether or not the reference discloses what is asserted, which Applicants do not concede, *Wheeler* fails to cure the deficiencies of *Shin*, set forth above. Whether alone or in combination, the references fail to disclose or suggest at least the limitations of the independent claims discussed above. Therefore, the references fail to render obvious the invention as recited in the claims, as per MPEP § 2143. These claims depend, either directly or indirectly, from the independent claims, and thus include the limitations of the independent claims from which they depend. Because the references fail to render obvious the independent claims, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious these dependent claims.

Claims 9-10, 39, 49-50, 56, 72-73, and 79

Claims 9-10, 39, 49-50, 56, 72-73, and 79 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* in view of U.S. Patent Application Publication No. 2002/0087740 A1 of Castanho et al. (*Castanho*). *Castanho* is cited as disclosing evaluating subscription terms and evaluating a history of a subscriber. Whether or not the reference discloses what is asserted, which Applicants do not concede, *Castanho* fails to cure the deficiencies of *Shin*, set forth above. Whether alone or in combination, the references fail to disclose or suggest at least the limitations

of the independent claims discussed above. Therefore, the references fail to render obvious the invention as recited in the claims, as per MPEP § 2143. These claims depend, either directly or indirectly, from the independent claims, and thus include the limitations of the independent claims from which they depend. Because the references fail to render obvious the independent claims, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious these dependent claims.

Claims 12-14, 52-53, and 75-76

Claims 12-14, 52-53, and 75-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* in view of U.S. Patent Application Publication No. 2002/0163393 A1 of Mittal et al. (*Mittal*). *Mittal* is cited as disclosing a request with a high bandwidth requirement. Whether or not the reference discloses what is asserted, which Applicants do not concede, *Mittal* fails to cure the deficiencies of *Shin*, set forth above. Whether alone or in combination, the references fail to disclose or suggest at least the limitations of the independent claims discussed above. Therefore, the references fail to render obvious the invention as recited in the claims, as per MPEP § 2143. These claims depend, either directly or indirectly, from the independent claims, and thus include the limitations of the independent claims from which they depend. Because the references fail to render obvious the independent claims, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious these dependent claims.

Claims 15, 55, and 78

Claims 15, 55, and 78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* in view of U.S. Patent No. 5,680,398 issued to Robinson (*Robinson*). *Robinson* is cited as disclosing assigning a third and fourth channel. *Robinson* discusses assigning an uplink channel

as a random access channel, and using the uplink channel to receive random access requests. As Applicants have understood *Robinson*, the reference only allows random access requests on such **assigned** channels. See col. 3, lines 2 to 22; col. 5, line 64 to col. 6, line 64. Thus, *Robinson* fails to disclose or suggest a channel request on a random traffic channel, as recited in claims 1, 34, 36, and 64, or a channel request on an unallocated channel, as recited in claims 16, 41, 60, and 63. Therefore, whether alone or in combination, the references fail to render obvious the invention as recited in the claims, as per MPEP § 2143. These claims depend, either directly or indirectly, from the independent claims, and thus include the limitations of the independent claims from which they depend. Because the references fail to render obvious the independent claims, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious these dependent claims.

Claim 17

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* in view of U.S. Patent No. 6,006,084 issued to Miller et al. (*Miller*). *Miller* is cited as disclosing a request with an identifier. Whether or not the reference discloses what is asserted, which Applicants do not concede, *Miller* fails to cure the deficiencies of *Shin*, set forth above. Whether alone or in combination, the references fail to disclose or suggest at least the limitations of independent claim 16 discussed above. Therefore, the references fail to render obvious the invention as recited in the claims, as per MPEP § 2143. Claim 17 depends from claim 16, and thus includes the limitations of this claim. Because the references fail to render obvious the independent claim, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious this dependent claim.

### Claim 20

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* in view of U.S. Patent Application Publication No. 2002/0065081 of Barany et al. (*Barany*). *Barany* is cited as disclosing a request with a training sequence. Whether or not the reference discloses what is asserted, which Applicants do not concede, *Barany* fails to cure the deficiencies of *Shin*, set forth above. Whether alone or in combination, the references fail to disclose or suggest at least the limitations of independent claim 16 discussed above. Therefore, the references fail to render obvious the invention as recited in the claims, as per MPEP § 2143. Claim 20 depends from claim 16, and thus includes the limitations of this claim. Because the references fail to render obvious the independent claim, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious this dependent claim.

### Claims 28-31

Claims 28-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* in view of U.S. Patent No. 5,345,596 issued to Buchenhorner et al. (*Buchenhorner*). *Buchenhorner* is cited as disclosing indicating availability of a third channel. Whether or not the reference discloses what is asserted, which Applicants do not concede, *Buchenhorner* fails to cure the deficiencies of *Shin*, set forth above. Whether alone or in combination, the references fail to disclose or suggest at least the limitations of the independent claims discussed above. Therefore, the references fail to render obvious the invention as recited in the claims, as per MPEP § 2143. These claims depend, either directly or indirectly, from the independent claims, and thus include the limitations of the independent claims from which they depend. Because the references fail to render obvious the independent claims, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious these dependent claims.

### Claims 32-33

Claims 32-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin*, *Barany*, and *Robinson*. *Robinson* is cited as disclosing an inter-channel delay. *Barany* is cited as disclosing an additional channel. Whether or not the references disclose what is asserted, which Applicants do not concede, the references fail to cure the deficiencies of *Shin*, set forth above, as has been discussed previously. Whether alone or in combination, the references fail to disclose or suggest at least the limitations of the independent claim discussed above. Therefore, the references fail to render obvious the invention as recited in claim 16, as per MPEP § 2143. These claims depend, either directly or indirectly, from the independent claim, and thus include the limitations of the independent claim. Because the references fail to render obvious the independent claim, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious these dependent claims.

### Claim 38

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shin* and *Miller*. The merits of these references have been discussed above. *Shin* fails to disclose or suggest the invention as recited in independent claim 36, and *Miller* fails to cure the deficiencies of *Shin*, as set forth above. Whether alone or in combination, the references fail to disclose or suggest at least the limitations of independent claim 36 discussed above. Therefore, the references fail to render obvious the invention as recited in the claim, as per MPEP § 2143. This claim depends from claim 36, and thus includes the limitations of claim 36. Because the references fail to render obvious the independent claim, Applicants respectfully submit that as per MPEP §2143.03, the references likewise fail to render obvious this dependent claim.

New Claims 86-91

New claims 86-91 are presented herein. Claims 86-87 depend from claim 1, claims 88-89 depend from claim 41, and claims 90-91 depend from claim 60. The independent claims were discussed above, and Applicants submit that they were shown to be nonobvious over the cited references. Claims depending from a nonobvious independent claim are also nonobvious. MPEP §2143.03. Because these claims depend from nonobvious independent claims, Applicants submit that these claims are also nonobvious over the cited references.

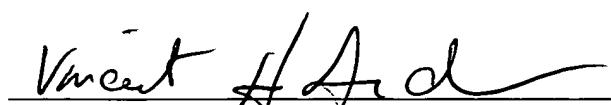
Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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